

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 20-11979-GAO

JAYLIMAR NATAL-LUGO, individually and as Special Personal Representative of the ESTATE OF LARRY RUIZ BARRETO, and as Conservator of and on behalf of her and the decedent's minor child, L.A.R-L; DEMIX RUIZ, individually, and as co-Special Personal Representative of the ESTATE OF LARRY RUIZ BARRETO; LESLIE LUGO; JONATHAN RUIZ-HERNANDEZ; MIGUEL SANCHEZ; and JOSE RUIZ-HERNANDEZ,
Plaintiffs,

v.

CITY OF FALL RIVER; IAN SCHACHNE, in his capacity as Treasurer of the City of Fall River; JASIEL CORREIA, in his individual capacity and official capacity as Mayor of Fall River 2015–2019; FALL RIVER POLICE DEPARTMENT; Police Officers NICHOLAS HOAR, DANIEL RACINE, ALBERT DUPERE, ALLAN CORREIRO, MICHAEL PESSOA, DEREK OAGLES, MICHAEL SILVIA, ROSS AUBIN, TYLER PAQUETTE, SEAN AGUIAR, BRENDEN MCNEMEY, PETER DALUZ, JENNIFER DELEON, THOMAS ROBERTS, JOHNATHAN DESCHENES, DAVID MCELROY, SERGEANT GREGORY BELL; and JOHN DOES 1–25, in their individual capacities and official capacities,
Defendants.

ORDER

March 16, 2023

O'TOOLE, D.J.

The defendant Ian Schachne, City Treasurer for Fall River, moves to dismiss the plaintiffs' claims against him. His motion is unopposed. Because the plaintiffs' Second Amended Complaint mentions Schachne just twice—once in the case caption as a named defendant and again in the “Parties” section describing the plaintiffs and defendants—the plaintiffs have failed to state a claim against him. Redondo Waste Sys. v. López-Freytes, 659 F.3d 136, 140 (1st Cir. 2011) (affirming district court's dismissal of § 1983 claims where “one of the captioned defendants is not even

mentioned in the body of the complaint”). Schachne’s Motion to Dismiss Plaintiffs’ Second Amended Complaint (dkt. no. 79) is GRANTED.

It is SO ORDERED.

/s/ George A. O’Toole, Jr.
United States District Judge